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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/888,599	06/26/2001	Tatsuya Tsuyuki	210291US3	8671

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OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

GIBBS, HEATHER D

ART UNIT PAPER NUMBER

2622

DATE MAILED: 09/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/888,599	Applicant(s) TSUYUKI, TATSUYA	
	Examiner Heather D Gibbs	Art Unit 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☒ Claim(s) 2 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>20040916</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. Claims 4-5 are objected to because of the following informalities: delete phrase "to any one of" in the second line of claims 4-5. Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 2 recites the limitations "image focusing lens holding board portion" in Page 27 Line 19 and "standing board portion" in Page 27 Line 20. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-2,6,7 are rejected under 35 U.S.C. 102(b) as being anticipated by Takano (US 4,581,657).

Regarding claim 1, which is representative of claims 6-7, Takano teaches a fixing structure for solid stat: Image forming device comprising an intermediate holding member for holding the solid state image forming device 10 onto an image focusing lens 9 holding

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member by means of adhesive material, characterized in that one or more contacting surfaces which face to contacting surface of said image focusing lens holding member, are arranged on said intermediate holding member (Fig 2); one or more projecting portions for painting said adhesive material are formed on at least one from a couple of said contacting surfaces in order to form a space for inserting a tool to separate said intermediate holding member and said image focusing lens holding member (Col 1 Lines 11-18; Figs 2-3; Col 3 Lines 10-19); and the projecting portion is used to be fixed through the adhesive material onto the contacting surface of other side of said couple of contacting surfaces (Col 3 Lines 67-68; Col 4 Lines 1-6).

Considering claim 2, Takano teaches 2. A fixing structure for solid state image forming device according to claim 1, characterized; in that said image focusing lens holding member includes image focusing lens holding board portion for holding the image focusing lens and standing board portion which is standing from the image focusing lens holding board portion and holds said solid state image forming device through said intermediate holding member, and in which a light beam passing window is formed to pass a light beam from said image focusing lens; said contacting surface which faces to contacting surface of said intermediate holding member, is formed on said standing board portion (Fig 2).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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7. Claim 3-5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takano in view of Miyahara et al (US 6,439,299).

Considering claim 3, Takano discloses the structure as discussed above.

Takano does not disclose expressly wherein at least three of said projecting portions for painting the adhesive material are arranged at the position that are apart in predetermined distances inside from the four corners of said contacting surfaces of said image focusing lens holding member.

Miyahara discloses wherein at least three of said projecting portions for painting the adhesive material are arranged at the position that are apart in predetermined distances inside from the four corners of said contacting surfaces of said image focusing lens holding member (Col 7 Lines 4-19).

Takano & Miyahara are combinable because they are from the same scope of nature.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine Miyahara's plate-like members with the structure of Takano.

The suggestion/motivation for doing so would have been to hold the plate-like members at predetermined intervals.

Therefore, it would have been obvious to combine Miyahara with Takano to obtain the invention as specified in claim 3.

Regarding claims 4-5, Takano teaches wherein said space is arranged for the tool to be inserted so as to contact with said projecting portion for painting the adhesive material from vertical and horizontal direction (Col 3 Lines 4-34).

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Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Heather D Gibbs whose telephone number is 703-306-4152. The examiner can normally be reached on M-F 8AM-4PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on 703-305-4712. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

hdg


Heather D Gibbs
Examiner
Art Unit 2622


EDWARD COLES
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2622